



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Approving Year 2006 Amendments to Conflict of Interest Code (Government Code §87306.5)

MEETING DATE: November 15, 2006

PREPARED BY: Janice D. Magdich, Deputy City Attorney

RECOMMENDED ACTION: Adopt Resolution amending the list of Boards, Commissions, City Employees, and Officers subject to Conflict of Interest Reporting Requirements for publication and public comment.

BACKGROUND INFORMATION: The City Council, as the Code reviewing body, under the Political Reform Act must pursuant to California Government Code §87306.5 periodically review and possibly update the City's Conflict of Interest Code. The attached Resolution makes changes based on conditions occurring since the last update in 2004. The attached resolution was published in draft form to begin the forty-five-day public comment period on the proposed changes. With the exception of the changes noted below, the majority of the changes made since 2004, reflect little more than title changes of positions, the addition of new positions or deletion of abolished positions. Changes since the revision approved by Council on September 20, 2006, are as follows:

- Revisions to disclosure categories for Fire Division Chief/Operations, Fire Battalion Chief/Training and Fire Battalion Chief;
- Correction of Parks and Recreation job title from Management Analyst Trainee to Management Analyst

As required by statute, the final version of the resolution is now brought back to the City Council for final approval.

FUNDING: None required.



Janice D. Magdich
Deputy City Attorney

APPROVED: 

Blair King, City Manager

RESOLUTION NO. 2006-208

A RESOLUTION OF THE LODI CITY COUNCIL
REPEALING RESOLUTION NO. 2004-268
THEREBY AMENDING CITY OF LODI
CONFLICT OF INTEREST CODE

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The Political Reform Act of 1974 (Government Code section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and a hearing it may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendices designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the City of Lodi.

Designated officials and employees shall file their statements with the City Clerk of the City of Lodi and such statements shall be open for public inspection and reproduction pursuant to Government Code section 81008. Statements for all designated officials and employees will be retained by the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Resolution No. 2004-268 is hereby repealed in its entirety.
2. The terms of 2 California Code of Regulations Section 18730 and any amendments duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Lodi.
3. Persons holding designated positions shall file statements of economic interest pursuant to the provisions of this code.
4. All designated officials and employees shall file their statements of economic interests with the City Clerk of the City of Lodi to whom the City Council hereby delegates the authority to carry out the duties of filing officer.
5. Failure to file the required statement in a timely fashion may result in the imposition of administrative, criminal, and civil sanctions as provided in Government Code sections 81000-91014.
6. The effective date of this Resolution shall be November 15, 2006.

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Dated: November 15, 2006

I hereby certify that Resolution No. 2006-208 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson, Mounce, and
Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



Randi Johl
City Clerk

APPENDIX A

DESIGNATED OFFICIALS AND EMPLOYEES

The following is a listing of those persons who are required to submit Statements of Economic Interests pursuant to the Political Reform Act of 1974, as amended:

List of designated positions required to file Form 700:

<u>Department:</u>	<u>Position:</u>	<u>Disclosure Category:</u>
City Manager	City Manager Deputy City Manager Management Analyst Information Systems Manager Information Systems Coordinator Data Processing Manager Network Administrator	• 1 1 1 2,3,4,5,8,10,11,15,16 2,4,10,11,15,16 15,16
City Attorney	City Attorney Deputy City Attorney	• 1
City Clerk	City Clerk Deputy City Clerk	1 1
Community Center	Community Center Director Senior Services Coordinator Arts Coordinator Youth Commission Coordinator Sr. Facil. Maint. Worker Stage Technician Administrative Secretary	1 2,3,4,10,11,16 2,3,4,10,11,16 2,3,4, 6, 7,10,11,16,17 2,3,4, 6, 7,10,11,16,17 2,3,4, 6, 7,10,11,16,17 2,3,4, 6, 7,10,11,16,17
Community Development	Community Development Director City Planner Senior Planner Junior\Assistant\Associate Planner Community Improvement Manager Building Official Building Inspector III\Senior Community Improvement Officer Linhart Petersen Powers Associates	1 1 1 1 1 1 2,3,4,5,6,7,8,9,10,11,15,16 2,3,4,5,6,7,8,9,10,11,15,16 2,3,4,5,6,7,8,9,10,11,15,16
Electric Utility	Electric Utility Director Senior Electric Utility Rate Analyst Manager, Customer Programs Manager, Electric Services Manager, Business Planning & Marketing Manager, Engineering & Operations Electric Utility Superintendent Technical Services Manager Manager, Rates & Resources	1 1 1 1 1 1 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 1

	Manager, Power & Rates Senior Electrical Estimator Senior Power Engineer Electric Utility Rate Analyst	1 4,6 2,3,4,6,7,8,9,10,15, 2,3,4,6,7,8,9,10,15
Finance	Financial Services Manager Accountant III Senior Accountant Budget Manager Purchasing Officer Senior Storekeeper Buyer Purchasing Technician Management Analyst	2,3,4,5,13,18,20 2,3,4,5,15 2,3,4,5,15 2,3,4,5,13,18,20 2,3,4,5,6,10,11,12,15,16, 19 2,3,4,5,10,12,16 2,3,4,5,10,12,16 4,5,15,16 2,4,14,17,18
Fire	Fire Chief Fire Division Chief \ Operations Fire Battalion Chief \ Training Fire Battalion Chief Fire Division Chief \ Fire Marshall Fire Inspector	1 1 4,10,11,12,19 4,10,11,12,19 1 1
Human Resources	Human Resources Manager Risk Manager Management Analyst Trainee I/II ABD Insurance & Financial Services Bragg & Associates DB Claims Services Group, Inc.	1 2,4,14,17,18 2,4,14,17,18 2,4,5,11,13,14,18,19 12,4,5,11,13,14,17,18,19 2,4,5,10,11,13,14,16,18,18
Library	Library Services Director Supervising Librarian	1 4,5,11,15
Parks and Recreation	Parks and Recreation Director Parks Superintendent Project Coordinator Management Analyst	1 1 2,3,4,6,7,8,10,16 4,5,10,11,15
Police	Police Chief Police Captains Management Analyst	1 1 4,5,12
Public Works	Public Works Director City Engineer Senior Civil Engineer Fleet & Facilities Manager Street Superintendent Assistant Street Superintendent Water/Wastewater Superintendent Assistant Water/Wastewater Superintendent Transportation Manager	1 1 2,3,4,6,7,8,9,10,15,16 2,3,4,6,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,5,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,10,11,15,16

	Fleet Services Supervisor Tree Operations Supervisor Management Analyst Senior Traffic Engineer Construction Project Manager	2,4,9, 11,16 2,4,6,7,8,9, 11,16 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,6,7,8,9,10,16
Boards and Commissions	Members of the Planning Commission	•
	Members of the Recreation Commission	2,3,4,6,7,8,9,10,16
	Members of the Site Plan and Architectural Review Committee	2,3,4,6,7,8,9,10,16
	Members of the Library Board of Trustees	2,3,4,6,7,8,9,10,16
	Members of the Lodi Eastside Improvement Committee	2,3,4,5,10,11
	Members of the Lodi Arts Commission	2,3,4,5,7,8,9,10,16
Consultants		1

**Exempted from Political Reform Act of 1974, but required to file a statement of economic interests pursuant to Government Code section 87200.*

Designated Employees are those positions within the city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Consultant means an individual who, pursuant to a contract with a state or local governmental agency:

- A. Makes governmental decisions whether to
 1. approve a rate, rule or regulation;
 2. adopt or enforce a law;
 3. issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
 4. authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 5. grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 6. grant agency approval to a plan, design, report, study or similar item;
 7. adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- B. Serves in a staff capacity with the agency and in that capacity performs the same or substantially the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agencies Conflict of Interest Code.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of the disclosure requirements. The City Manager or his designee's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Public Officials Specified in Government Code Section 87200: The following positions shall file a statement of economic interests pursuant to Government Code Section 87200:

1. Members of the Lodi City Council
2. City Manager
3. City Attorney
4. Finance Director
5. Members of the Lodi Planning Commission

APPENDIX B

APPENDIX OF DISCLOSURE CATEGORIES

DEFINITION

'Unit' as used in this text means the particular department, board, commission, office or other entity using the disclosure category.

DISCLOSURE CATEGORIES

1. All investments and business positions in business entities, sources of income and interests in real property.
2. Investments and business positions in business entities, and all sources of income.
3. Interests in real property.
4. Investments and business positions in business entities and sources of income from entities providing supplies, services, equipment or machinery of the type used by the designated employee's unit.
5. Investments and business positions in and income from entities which are book outlets, vendors or providers of business services.
6. Investments and business positions in business entities and income from sources engaged in construction, building, or material supply.
7. Investment and business positions in and income from sources engaged in construction or development.
8. Investment and business positions in and income from sources engaged in the construction of public works projects.
9. Investment and business positions in and income from construction firms involved in construction projects subject to acceptance by the City Council.
10. Investment and business positions in and income from business entities of the type to provide bids, supplies, vehicles and equipment.
11. Investment and business positions in and income from entities which provide training, services or facilities of the type utilized by the city.
12. Investments and business positions in business entities and sources of income which provide services and supplies of the type used in emergency services coordination and training activities.
13. Investments and business positions in and income from Union Pension funds that may be affected by the outcome of negotiations involving monetary settlements of employer-employee memorandums.

14. Investments and business positions in business entities and sources of income which provide medical services or facilities of the type used by the city.
15. Investments and business positions in and income from business entities supplying or manufacturing electronic equipment, supplies or services of the type utilized by the employee's unit.
16. Investments and business positions in and income from business entities providing supplies, services, equipment or machinery of the type used by the city.
17. Investments and business positions in and income from employment agencies or entities which provide employment or pre-employment services. Services include, but are not limited to, testing, training, consulting, recruiting, job classification studies and salary surveys.
18. Investments and business positions in and income from business entities which are of the type to provide any of the various types of employee insurance coverage and/or actuarial services.
19. Investments and business positions in business entities and income from sources which supply or manufacture firefighting or medical equipment or supplies.
20. All investments and business positions in business entities, sources of income, and interests in real property of the type which municipalities are permitted to invest under the California Government Code.

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
BOB JOHNSON,
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
JOANNE MOUNCE

CITY OF LODI

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BLAIR KING, City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney

November 16, 2006

Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

RE: UPDATED CONFLICT OF INTEREST CODE

Please find enclosed a certified copy of the resolution amending the City of Lodi Conflict of Interest Code, which was adopted by the Lodi City Council at its November 15, 2006, City Council meeting.

Should you have any questions regarding this matter, please feel free to contact my office.

Sincerely,



Randi Johl
City Clerk

RJ/JMP

Enclosure